

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

REMARKS

This Amendment is being filed in response to the Office Action dated July 18, 2005. Claims 1-26 are currently pending and stand rejected in the application. Of these, claims 1, 19 and 24 are independent. By this Amendment, claims 1, 3, 19 and 24 are amended and claim 2 is canceled. Accordingly, claims 1 and 3-26 remain pending in this application. No new matter has been added. Applicants respectfully submit that the amendments to the pending claims have been made without prejudice and solely in order to better clarify the invention and not to limit or narrow the scope of these claims in any way. Applicants respectfully request reconsideration in light of the amendments and comments set forth herein, and respectfully maintain that this application is in condition for allowance.

The Invention as Claimed

Prior to addressing the rejections set forth in the April 6, 2006 Office Action, Applicants take this opportunity to set forth the following brief remarks in connection with their invention, which is directed to a film suitable for use with a photochromic lens and a method of creating such a film.

In general, embodiments of the invention provide a film, or a method of creating a film, for example, a multi-layer interference film suitable for use with photochromic lenses, such as sunglasses. According to an embodiment of the invention, the film has a plurality of dielectric layers, the specific arrangement of which, including the selection of dielectrics as well as the sequence and thickness of deposition of each layer, dictates the visible appearance of the film. More specifically, rather than providing a clear film, an embodiment of the invention provides a visibly colored film to produce aesthetic effects while not substantially hindering photochromic activity of the photochromic lens upon which the film is deposited.

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

One objective that the invention seeks to address is the drawbacks associated with known decorative films applied on lenses that absorb spectral ultraviolet light that is responsible for the activation of the photochromic dyes. Because the decorative films available in the market absorb wavelengths within the range of 315 to 400 nm, they can significantly hinder the lens' photochromic performance.

An embodiment of the invention substantially resolves this issue by providing a colored multi-layer interference film that does not substantially absorb ultraviolet light within the range of 315 to 400nm. Therefore, although the film provides for a visibly decorative film, the film does not substantially hinder the photochromic activity of the photochromic lens upon which the film is deposited. Applicants discovered that by creating a film having specific dielectrics deposited in specific arrangements, this result can be obtained.

Objection to the Specification

In the Office Action, the Examiner objected to the specification as lacking proper antecedent basis for the number of dielectric layers up to 100 layers as recited in claim 10; the activation value of the multi-layer film which is greater than 90% and 97% as recited in claims 12 and 13; and the color, silver and mirror like appearance when observed from the side opposite from the photochromic lens as recited in claims 16-18. By this Amendment, without conceding the correctness of the Examiner's assertions, in the sole interest of expediting prosecution of the application, Applicants have amended herein paragraphs [0013] and [0031] to address these issues. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

Objection to the Claims

In the Office Action, the Examiner objected to claims 1-3 as being unclear regarding the term "UVA". By this Amendment, Applicants have amended "UVA" to "ultraviolet", and thus, Applicants respectfully submit that this objection has been rendered moot and request withdrawal of the objection.

Doubling Patenting Rejection

In the Office Action, the Examiner objected to claim 2 as being a substantial duplicated of claim 1. By this Amendment, claim 2 has been canceled and thus, Applicants respectfully submit that all objections to the claims have been addressed and request withdrawal of the objection.

Rejection Under 35 U.S.C. §102

Claims 1-4, 6, 10 and 16-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,852,974 to Melzig et al ("Melzig"). Applicants respectfully submit that Melzig at least fails to teach or suggest a multi-layer film coating reflecting at least some light in the visible spectrum so as to exhibit a visible colored appearance as recited in independent claims 1, 19 and 24 as amended herein. Rather, Melzig is directed to a clear, uncolored antireflective film.

In the Office Action, the Examiner states that Melzig discloses a reflectance level of 10% or less for light of wavelengths from 325 to 400nm, and has a reflectance level higher than 30% for light of wavelength 275 to 325 nm. According to the Examiner, this demonstrates that Melzig has a colored appearance. Applicants respectfully traverse this assertion. As one of ordinary skill in the art would understand, light in the ranges of wavelengths discussed in Melzig, 325-400nm or 275-325nm, is ultraviolet light, which is invisible. Accordingly,

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

reflectance of such invisible ultraviolet light does not result in a "visible colored appearance" as required by the claims of the invention. First, there is no color, since the wavelength ranges discussed in Melzig do not fall within the color spectrum, and second, because the light being reflected is invisible, there is no "appearance". However, without conceding the correctness of the Examiner's assertions, Applicants herein amend independent claims 1, 19 and 24 to recite a visible colored appearance and to specify that the film reflects at least some light in the visible spectrum to create the colored appearance.

Applicants respectfully maintain that the term "colored appearance" inherently required a visible color, in order for the film to have a colored appearance. A color cannot appear unless it is visible. Accordingly, Applicants respectfully submit that the amendment does not add any new subject matter and thus does not necessitate a further search.

Because the known decorative coatings in the art absorb ultraviolet radiation in the claimed range that activates photochromic dyes, it would not have been obvious to modify Melzig in order to obtain the invention as claimed. Accordingly, Applicants respectfully submit that Melzig fails to teach or suggest independent claims 1, 19 and 24 and the dependent claims depending therefrom.

Rejection Under 35 U.S.C. §103(a)

Claims 5, 7, 11-15, 19-22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melzig in view of U.S. Patent No. 6,175,450 to Andreani et al. ("Andreani"). Applicants respectfully assert that Andreani fails to resolve the shortcomings of Melzig and fails to teach or suggest a multi-layer film coating having a reflectance of less than about 15% of spectral ultraviolet radiation in a range between 315 and 400 nm, the film reflecting some light in the visible spectrum to provide a visible colored appearance as recited in independent claims 1,

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

19 and 24 as amended herein. Rather, Andreani is also directed to a clear film. Andreani fails to teach or suggest a visible colored appearance and therefore fails to remedy the deficiencies of Melzig. In sum, neither Melzig nor Andreani, taken alone or in combination, teach or suggest each of the limitations of independent claims 1, 19 or 24 or the claims depending therefrom. Accordingly, Applicants respectfully maintain that claims 5, 7, 19-22 and 24 are patentable over Melzig and Andreani.

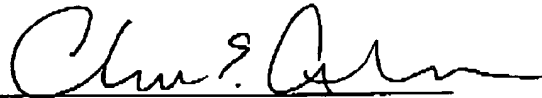
Claims 8-9, 18, 23 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melzig. As stated above, Melzig fails to teach or suggest every element of independent claims 1, 19 and 24 as amended herein, and thus, Applicants respectfully submit that claims 8-9, 18, 23 and 25-26 are patentable over Melzig.

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot and submit that all of the claims remaining in the application are in condition for allowance. Applicants respectfully request entry of this Amendment, and early and favorable action in the above-identified application.

Application No. 10/810,049
Amendment dated August 4, 2006
Reply to Office Action of April 6, 2006

No fee, other than the one month extension fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,



Charles E. Cantine, Reg. No. 43,531 for:
Steven B. Pokotilow
Registration No. 26,405
Attorney for Applicants
STROOCK & STROOCK & LAVAN, LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400